

Hector Hernandez - RE: fax regarding beneficial reuse issue

From: "White, David" <David.White@gcinc.com>
To: "Steve C. Smith, DOSH, Supervising IH" <SSmith@hq.dir.ca.gov>
Date: 4/19/2005 11:16 AM
Subject: RE: fax regarding beneficial reuse issue
CC: <tcgibbons@jtccorp.com>, <HHernandez@waterboards.ca.gov>, "DTSC - Andre Amy" <AAmy@dtsc.ca.gov>

Steve,

The RWQCB engineer that I have been in contact with on this issue is Hector Hernandez at Region III in San Luis Obispo. his office number is (805) 542-4641.

As my letter to the RWQCB stated, I percieve no conceptual issue with the beneficial reuse on isolated rural oil field properties. The problem is that these lands can later be converted to residential housing tracts and there is inadequate recording of the location and characterization of the contaminants placed in those road ways. This has happened in at least three new subdivision developments in the Santa Maria area within the last ten years. While that span of time may seem to make the problem appear to be less than threatening, the record-keeping fails to survive that span and future workers and residents are then potentially exposed to inadequately characterized materials. And the toxicity of the materials in unchanged after decades of internment (except of course where it is leaching into ground water).

While the program has considered "crude oil" impacted soils, the reality is that there is a whole host of other materials such as drip gas, diluents, solvents and other light fraction hydrocarbons that get lumped in the "crude" designation. This is not a problem when the water table is deep and the site is isolated. But these properties are being developed for residential tracts, and NO ONE HAS AN ACCESSIBLE OR ACCURATE RECORD of what materials are where.

The result is a complete failure to comply with hazard communication standard at 29CFR Sec. 1910, CCR Title 8, or even Prop. 65 requirements. Some new homeowners are given a cursory disclosure statement when closing on the houses. But there is no communication of the hazards of the actual materials under or adjacent to a specifi property. In most cases, characterization that is available is typically so poor as to render the disclosure meaningless.

I think some program modifications could resolve this issue, but would necessarily involve detailed deed restrictions and thorough testing and documentation of the character and placement of the waste materials. Such activities could reduce some of the problems that have been encountered. However, there is a real need for a detailed and strict quality control and quality assurance program to require a very arduous sampling and documentation of the wastes. The historical sampling has involved as little as one sample for several truck loads of materials, and that is totally reliant on the responsible parties submission of

**Supplemental Sheet
Item No. 17 Attachment 2
September 9, 2005 Meeting**

valid data. To date, none of the overseeing agencies have implemented any quality control to validate the data, and that has resulted in some significant problems. This program should not go forward without these oversight mechanisms.

The history of the oil patch is that the operators can not or will not do this. Without competent regulatory oversight, which is not currently available at the local level (those agencies approved development of multiple subdivisions on contaminated lands...), this program creates liability rather than reducing it.

Please feel free to contact me at (805) 964-9951 if you would like to discuss this further.

Regards,

DW

David J. White
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Granite Construction Company
Santa Barbara Branch
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-----Original Message-----

From: Steve C. Smith, DOSH, Supervising IH [mailto:SSmith@hq.dir.ca.gov]

Sent: Tuesday, April 19, 2005 9:09 AM

To: White, David

Subject: RE: fax regarding beneficial reuse issue

I am not sure this proposed reuse is intended for residential areas since the attachment you sent mentions on page 6 that the reuse would only occur in active oil field properties. However, that page 6 summary statement references a more detailed reuse program in an 'attachment A'. That attachment and the other attachments A-E was not included in what you sent.

Do you have the attachments or should I contact the regional board staff for those attachments? Who is the staff person at the regional board that I should contact for more details? thanks.

-----Original Message-----

From: White, David [mailto:David.White@gcinc.com]

Sent: Monday, April 18, 2005 12:16 PM

To: Steve C. Smith, DOSH, Supervising IH

Subject: RE: fax regarding beneficial reuse issue

Hello Steve,

Thanks for your reply. The Water Board meeting for this item has been rescheduled for July 8, 2005.

Attached is that staff report, which obviously is a draft.

However, the problem with this program has been that oilfields are contaminated with much more than just crude oil, and these are being developed with some frequency in the Santa Maria area. The process is fine as long as the property is isolated and not developed, but we have too many examples where the land use changes without adequate cleanup, and the record of the contaminant levels in the beneficial reuse materials is poor to nonexistent.

While the proposed General Waiver is supposed to only be applied to crude oil contaminated soils, it has in the past been applied a bit liberally to other "similar" materials, including light fraction hydrocarbons. These are especially problematic where there is poor documentation of the materials through minimal or inadequate quantification of the impacted soils. Oilfield contaminants include much more than oil, including diluents, solvents, paints and fuels that get "lumped" in with the actual crude oil.

I believe that unless greater controls are established, that no properties where beneficial reuse has been employed should be developed for residential properties, nor for residential streets. The problem of protecting future workers that might have to dig through those materials without adequate notice of those hazards is simply unacceptable. I personally witnessed this happen last year, and those workers should have been on SCBA to work in that trench. Santa Barbara County Fire Department Protection Services Division really made light of what could have been a very serious situation, and they failed to even document the conditions with a PID or soil samples from that beneficial reuse material. The reason for that escapes logic.

Please feel free to contact me if I can provide you with any additional information.

Sincerely,

David J. White
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-----Original Message-----

From: Steve C. Smith, DOSH, Supervising IH [<mailto:SSmith@hq.dir.ca.gov>]

Sent: Monday, April 18, 2005 11:25 AM

To: White, David

Subject: fax regarding beneficial reuse issue

Mr. White,

Our Ventura office forwarded me your fax concerning hazard communication requirements for the beneficial reuse of petroleum products in roadways. Attached to that fax was a 3/29/05 email about the issue being discussed at an upcoming meeting on May 13th. Please forward the electronic documents mentioned in your fax and let me know if it would help if we discuss the occupational exposure aspects of this issue with the water board staff and attend your May 13th meeting. thanks.

Steve Smith
Cal/OSHA Supervising IH
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ssmith@dir.ca.gov